

(4) The performance by a person other than a full-time employee of the unit of any management function for the unit, any audit or investigation, any professional legal function, or any criminal, civil or administrative prosecution of suspected providers;

(5) The investigation or prosecution of cases of suspected recipient fraud not involving suspected conspiracy with a provider; or

(6) Any payment, direct or indirect, from the unit to the Medicaid agency, other than payments for the salaries of employees on detail to the unit.

#### **§ 1007.21 Other applicable HHS regulations.**

Except as otherwise provided in this part, the following regulations from 45 CFR subtitle A apply to grants under this part:

Part 16, subpart C—Department Grant Appeals Process—Special Provisions Applicable to Reconsideration of Disallowances [Note that this applies only to disallowance determinations and not to any other determinations, e.g., over certification or recertification];

Part 74—Administration of Grants;

Part 75—Informal Grant Appeals Procedures;

Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services, Effectuation of title VI of the Civil Rights Act of 1964;

Part 81—Practice and Procedure for Hearings Under 45 CFR part 80;

Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance;

Part 91—Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance.

## **PART 1008—ADVISORY OPINIONS BY THE OIG**

### **Subpart A—General Provisions**

Sec.

1008.1 Basis and purpose.

1008.3 Effective period.

1008.5 Matters subject to advisory opinions.

### **Subpart B—Preliminary Obligations and Responsibilities of the Requesting Party**

1008.11 Who may submit a request.

1008.15 Facts subject to advisory opinions.

1008.18 Preliminary questions suggested for the requesting party.

### **Subpart C—Advisory Opinion Fees**

1008.31 OIG fees for the cost of advisory opinions.

1008.33 Expert opinions from outside sources.

### **Subpart D—Submission of a Formal Request for an Advisory Opinion**

1008.36 Submission of a request.

1008.37 Disclosure of ownership and related information.

1008.38 Signed certifications by the requestor.

1008.39 Additional information.

1008.40 Withdrawal.

### **Subpart E—Obligations and Responsibilities of the OIG**

1008.41 OIG acceptance of the request.

1008.43 Issuance of a formal advisory opinion.

1008.45 Rescission, termination or modification.

1008.47 Disclosure.

### **Subpart F—Scope and Effect of OIG Advisory Opinions**

1008.51 Exclusivity of OIG advisory opinions.

1008.53 Affected parties.

1008.55 Admissibility of evidence.

1008.59 Range of the advisory opinion.

AUTHORITY: 42 U.S.C. 1320a-7d(b).

SOURCE: 62 FR 7357, Feb. 19, 1997, unless otherwise noted.

## **Subpart A—General Provisions**

### **§ 1008.1 Basis and purpose.**

(a) This part contains the specific procedures for the submission of requests by an individual or entity for advisory opinions to, and the issuance of advisory opinions by, the OIG, in consultation with the Department of Justice (DoJ), in accordance with section 1128D(b) of the Social Security Act (Act), 42 U.S.C. 1320a-7d(b). The OIG will issue such advisory opinions based on actual or proposed factual circumstances submitted by the requesting individual or entity, or by counsel